

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

IRMA LEE GONZALES,

Plaintiff,

v.

Case No. 08-C-675

CHRYSLER, LLC,

Defendant.

ORDER

On February 23, 2009, this court received a letter from the plaintiff Irma Lee Gonzales indicating that she wants to “withdraw myself from this lawsuit.” Since the plaintiff is proceeding pro se in this litigation, the court will construe her letter as a motion to voluntarily dismiss the action.

At this stage in the action, after the defendant has answered, the plaintiff is only able to dismiss the action “by court order, on terms that the court considers proper.” Rule 41(a)(2) Fed. R. Civ. P. This means whether or not the action should be dismissed with or without prejudice. Rule 41(a)(2) provides that the dismissal should be without prejudice, “unless the order states otherwise.”

Not only has the defendant filed an answer, but on February 17, 2009, it filed a motion for summary judgment, although the supporting affidavit was not properly signed. The court gave the defendant until March 2, 2009 to remedy this problem.

The court will now give the defendant until **March 2, 2009** to respond to the plaintiff’s motion to voluntarily dismiss the action. Unless the defendant is able to persuade the court not to do so, it would be the court’s intent to grant the plaintiff’s request and dismiss the action without prejudice.

Therefore, the Clerk shall docket the plaintiff's letter as a motion to dismiss the action pursuant to Rule 41(a) Fed. R. Civ. P.

SO ORDERED.

Dated at Milwaukee, Wisconsin, this 24th day of February, 2009.

s/AARON E. GOODSTEIN
U.S. MAGISTRATE JUDGE